

**UNITED STATES DISTRICT COURT
For The Southern District Of New York**

COUNTER TERRORIST GROUP US,
COUNTERR GROUP, *and* J. K. IDEMA,
Plaintiffs,

v.

MAXIM MAGAZINE, aka MAXIM,
STUFF MAGAZINE, aka STUFF,
DENNIS STUFF, INC.,
DENNIS PUBLISHING, INC.,
ALPHA MEDIA GROUP,
QUADRANGLE CAPITAL PARTNERS,
QUADRANGLE GROUP LLC,
FELIX DENNIS, ED NEEDHAM,
GARY FRENCH, STEPHEN COLVIN,
SEAMUS McGRAW, LAURA WINTER,
MOHAMMED NAHIM DAWARI,
ABDUL BASSET BAKTYARI,
JOHN DOES 1-7,
Defendants.

ECF

**Plaintiffs'
Motion To Reconsider**

Case # 07 CV 9827 (DAB)

Assigned Judge:
Honorable Deborah A. Batts

**MOTION FOR RECONSIDERATION OF DISMISSAL OF CASE
BASED ON A MISUNDERSTANDING WITH THE COURT AS
ONLY ONE UNITED STATES BASED DEFENDANT REMAINED UN-SERVED**

NOW COMES, Plaintiffs, pursuant to SDNY Local Rule 6.3, and hereby request that this Honorable Court reconsider its ORDER of March 10, 2008, dismissing the case for failure to prosecute. Plaintiffs apologize to the Court for the confusion created by the initial Motion for Extension of Time to Serve which did not attach copies of the summonses already served. Because of this lack of clarity, this Honorable Court mistakenly believed that no defendant in the case had been served with the summons and complaint. Plaintiffs clarify this and advise the Court that ALL defendants located in the United States were properly served prior to the Court's Order except one, Gary French (who Plaintiffs discovered had changed jobs and moved just prior to service).

1. The time to serve the summons and complaint (within 120 days) expired on midnight March 5th, 2008. Prior to the expiration, Plaintiffs previously requested additional time to serve all defendants because it was unclear who had actually been properly served (the facsimile fingerprints on the attached exhibits indicate that many executed summonses were not received back by counsel until March 10, 2008). Plaintiffs clarify the current status of service on defendants as set forth below.

PROPER & TIMELY SERVICE WAS MADE ON ALL USA DEFENDANTS EXCEPT ONE

2. Plaintiffs retained process servers and private detectives throughout the United States and in foreign countries. As indicated by the executed Summonses attached hereto as exhibits, Plaintiffs obtained successful proper and timely service prior to the expiration of the 120 days, and prior to the Court Order signed on March 7, 2008, on the following Defendants:

- 2.1. All Maxim & Stuff Magazine Defendants in New York, New York,
 - 2.1.1. MAXIM MAGAZINE, (Exhibit A)
 - 2.1.2. *aka* MAXIM, (Exhibit B)
 - 2.1.3. STUFF MAGAZINE, (Exhibit C)
 - 2.1.4. *aka* STUFF, (Exhibit D)
- 2.2. Defendant DENNIS STUFF, INC., in New York, New York, (Exhibit E)
- 2.3. Defendant ALPHA MEDIA GROUP in New York City, (Exhibit F)
- 2.4. Defendant QUADRANGLE CAPITAL PARTNERS in New York City, (Exhibit G)
- 2.5. Defendant QUADRANGLE GROUP LLC, in New York City (Exhibit H),
- 2.6. Defendant STEPHEN COLVIN in Bronxville, New York (Exhibit I),
- 2.7. Defendant SEAMUS McGRAW in the rural mountains of Pennsylvania (Exhibit J),

3. Although many services of process were in the final days to perfect service, Plaintiffs have made diligent efforts to serve all the Defendants in this case. Plaintiffs had no prior knowledge that several defendants had moved to London until informed by Maxim's General Counsel when he accepted service for several Defendants.

4. Plaintiffs spent thousands of dollars in private investigator fees, process server fees, search fees, and legal fees to locate and serve these defendants.

5. The only Defendants who were not served prior to the Court's order and remain un-served are:

- 5.1. Dennis Felix who is currently on the Caribbean Island of Mustique.
- 5.2. Ed Needham, who has moved to London, England.
- 5.3. Laura Winter, who has moved to London, England.
- 5.4. Dennis Publishing Inc., which recently changed its name to Dennis Publishing LTD and moved to England.
- 5.5. Mohammed Nahim Dawari, who lives in Afghanistan.
- 5.6. Abdul Basset Baktyari, who lives in Afghanistan.
- 5.7. Gary French, who cannot be located by any of our investigators.

6. The absence of all but one of these parties remaining un-served will not substantially affect the outcome of this case as it pertains to copyright infringement. Therefore, Plaintiffs would file voluntary dismissals on each of these Defendants and file the returned un-executed summonses with the Clerk if the case were to be returned to active status. As to only Laura Winter, Plaintiffs respectfully request the Court reconsider an extension of 60 days to serve the Summons and Complaint on Ms. Winter as set for below.

REQUEST FOR RECONSIDERATION TO SERVE ONLY DEFENDANT – LAURA WINTER

7. Plaintiffs are solely requesting an extension for one defendant, Laura Winter. Ms. Winter is a necessary party to this action, and this would avoid a future separate action. Until just recently, Laura Winter was believed to be in New York City where Plaintiffs repeatedly tried to locate her. Upon information and belief, Ms. Winter has, like other defendants, moved to London England. We have no reason to believe this move was permanent and expect her to return to her prior residence in New York City.

8. Local Civil Rule 6.3 ("Motions for Reconsideration or Reargument") reads as follows:

A notice of motion for reconsideration or reargument shall be served within ten (10) days after the docketing of the court's determination of the

original motion. There shall be served with the notice of motion¹ a memorandum setting forth concisely the matters or controlling decisions which counsel believes the court has overlooked. The time periods for the service of answering and reply memoranda, if any, shall be governed by Local Civil Rule 6.1(a) or (b), as in the case of the original motion. No oral argument shall be heard unless the court directs that the matter shall be reargued orally.

S.D.N.Y. & E.D.N.Y. R. 6.3

9. A motion for reconsideration may be granted where “there is a need to correct clear error or manifest injustice.” *In re Rambus Inc.*, Docket No. 9303, 2003 FTC LENS 49 (Mar. 26, 2003) (citing *Regency Communications, Inc. v. Cleartel Communications, Inc.*, 212 F. Supp. 2d 1,3 (D.D.C. 2002)).

10. The dismissal of this case, even without prejudice, is an extremely harsh penalty because it would completely obliterate any chance of justice for the Plaintiffs as re-filing would be beyond the statute of limitations, *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir.1990).

CONCLUSION

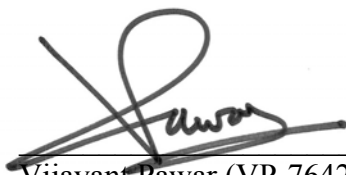
11. The Court’s Order (Exhibit K) dismissing the case for failure to serve process upon any Defendant was simply the result of a misunderstanding with the Court relevant to which parties were actually served and which were not. For this, Plaintiffs sincerely apologize. The service of process in this case has been time consuming and costly. Still, all of the Defendants have been served except one who simply cannot be located and those located outside the United States. The attorneys for Plaintiffs and the Plaintiffs both request the time for service be extended for 60 days solely for Defendant Laura Winter to find and serve Ms. Winter in London.

¹ Defendants have not yet entered an appearance, so no Notice of Motion has been served.

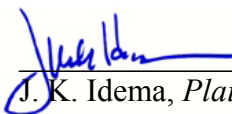
WHEREFORE, Plaintiffs request this Honorable Court reconsider its Order to Dismiss for failure to prosecute, reinstate the case to active status, and enter an order extending the time to find and serve only Laura Winter for an additional 60 days, and such further relief as be just and proper.

This 12th day of March 2008,

____s/_____
John Edwards Tiffany,
Attorney (JT7322)
Counsel For Counter Terrorist Group US
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799
Mobile: (973) 454-9633
www.JohnTiffanyLaw.com
Email: Jet@Jet4Law.com



Vijayant Pawar (VP-7642)
Lead Counsel for *Counter Terrorist Group*
US Law Offices of VIJAYANT PAWAR
35 Airport Road, Suite 330
Morristown, New Jersey 07960
Phone: (973) 267-4800
Fax: (973) 215-2882
www.pawarlaw.com
Email: vpawar@pawarlaw.com



J. K. Idema, *Plaintiff*
12 Jonathan Lane
Poughkeepsie, NY 12603

EXHIBIT LIST – PROOFS OF SERVICE

Exhibit A-

Defendant MAXIM MAGAZINE served in New York, New York

Exhibit B-

Defendant MAXIM served in New York, New York

Exhibit C-

Defendant STUFF MAGAZINE served in New York, New York

Exhibit D-

Defendant STUFF served in New York, New York

Exhibit E-

Defendant DENNIS STUFF, INC. served in New York City,

Exhibit F-

Defendant ALPHA MEDIA GROUP served in New York City,

Exhibit G-

Defendant QUADRANGLE CAPITAL PARTNERS served in New York

Exhibit H-

Defendant QUADRANGLE GROUP LLC served in New York

Exhibit I-

Defendant STEPHEN COLVIN served in Bronxville, New York

Exhibit J-

Defendant SEAMUS McGRAW served in Pennsylvania

EXHIBIT LIST – COURT’S ORDER

Exhibit K-

March 7, 2008 (filed March 10, 2008) Order of Court Dismissing for Failure to Prosecute for failure to serve any Defendant.

Exhibit A

U.S. AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counterr Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE, aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

MAXIM MAGAZINE
1040 Avenue of Americas
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 05 2007

CLERK

Manos Quintero

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	3/4/08 c. 1145 AM
NAME OF SERVER (PRINT) Bradley Kasten	TITLE	Process Server
Check one box below to indicate appropriate method of service.		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: 1040 Avenue of Americas 14th fl NYC NY 10018		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	3/5/08	Signature of Server Bradley Kasten
		Address of Server 43 Bronx River Rd Yonkers NY 10704

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit B

FROM : BM PROCESS SERVERS

FAX NO. : 9148030386

Mar. 10 2008 06:38AM P5

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counterr Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE; aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

MAXIM
1040 Avenue of Americas
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 05 2007

CLERK

Marcelo Quintero

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	3/4/08 @ 1145 AM
NAME OF SERVER (PRINT)	TITLE	Process Server
Bradley Kasten		
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on	Date	Signature of Server
	3/5/08	Bradley Kasten
Address of Server		
43 Bronx River Rd Yonkers NY 10704		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit C

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counterr Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE; aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

STUFF MAGAZINE
1040 Avenue of Americas
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 05 2007

CLERK

Mano Quintero

(By) DEPUTY CLERK

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>3/4/08 @ 1145 AM</u>	
NAME OF SERVER (PRINT) <u>Bradley Kasten</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>3/5/08</u>	<u>Bradley Kasten</u>	
Date	Signature of Server	
	<u>43 Bronx River Rd</u>	
	Address of Server	
	<u>Yonkers NY 10704</u>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit D

%AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counterr Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE; aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

STUFF
1040 Avenue of Americas
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

NOV 05 2007

I MICHAEL McMAHON

CLERK

Marcos Quintero

(By) DEPUTY CLERK

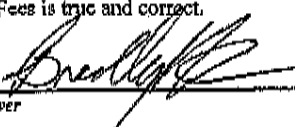
DATE

FROM : BM PROCESS SERVERS

FAX NO. : 9148030386

Mar. 10 2008 06:40AM FLD

SDAO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	3/4/08 @ 1145 AM
NAME OF SERVER (PRINT) <u>Bradley Kasten</u>	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>3/5/08</u> <u></u></p> <p style="margin-left: 100px;">Date Signature of Server</p> <p style="margin-left: 200px;"><u>43 Bronx River Rd</u></p> <p style="margin-left: 200px;">Address of Server <u>Yonkers NY 10704</u></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit E

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counterr Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE; aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

DENNIS STUFF, INC.
1040 Avenue of Americas
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 25 2007

CLERK

DATE

(By) DEPUTY CLERK

FROM : RM PROCESS SERVERS

FAX NO. : 9148030386

Mar. 10 2008 06:38AM P4

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>3/4/08</u>	
NAME OF SERVER (PRINT) <u>Bradley Kasten</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on <u>3/5/08</u> <small>Date</small>	<u>Bradley Kasten</u> <small>Signature of Server</small>	
<u>43 Bronx River Rd</u> <small>Address of Server</small> <u>Yonkers NY 10704</u>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit F

FROM : BM PROCESS SERVERS

FAX NO. : 9148030386

Mar. 10 2008 06:39AM PT

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counterr Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE; aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

Alpha Media Group Inc.
1040 6th Avenue, Floor 23
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 05 2007

CLERK

(By) DEPUTY CLERK

DATE

FROM : BM PROCESS SERVERS

FAX NO. : 9148030386

Mar. 10 2008 06:39AM PB

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 3/4/08 @ 11:45 AM
NAME OF SERVER (PRINT) Bradley Kasten	TITLE Process Server

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served:☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

3/5/08
Date

Signature of Server

43 Bronx River Rd

Address of Server

Yonkers NY 10704

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Exhibit G

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS IN A CIVIL CASE, COMPLAINT**
EFFECTED (1) BY ME: **MALGORZATA SLADEK**
TITLE: **PROCESS SERVER**

DATE: 03/04/2008 03:21PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

QUADRANGLE CAPITAL PARTNERS

Place where served:

375 PARK AVE NEW YORK NY 100##

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

ROBIN COHEN

Relationship to defendant: MANAGING AGENT

Description of person accepting service:

SEX: F AGE: 21-35 HEIGHT: 5'4"-5'8" WEIGHT: 100-130 LBS. SKIN: WHITE HAIR: BLONDE OTHER: GLASSES☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

STATEMENT OF SERVER

TRAVEL \$ _____

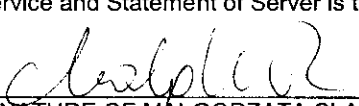
SERVICES \$ _____

TOTAL \$ _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 03/04/2008


SIGNATURE OF MALGORZATA SLADEK
GUARANTEED SUBPOENA SERVICE, INC.
2009 MORRIS AVENUE
UNION, NJ 07083

L.S.

03-04-08

ATTORNEY: JOHN EDWARD TIFFANY, ESQ
PLAINTIFF: COUNTER GROUP, ET AL
DEFENDANT: MAXIM MAGAZINE, ET AL
VENUE: NYDISTRICT
DOCKET: 07 CV 9827

JANIRA SAN HAGO VELEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 24, 2012

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

TZ

Exhibit H

AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS IN A CIVIL CASE, COMPLAINT**
EFFECTED (1) BY ME: **MALGORZATA SLADEK**
TITLE: **PROCESS SERVER**

DATE: 03/04/2008 03:20PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

QUADRANGLE GROUP, LLC

Place where served:

375 PARK AVE. NEW YORK NY 100##

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

ROBIN COHEN

Relationship to defendant: MANAGING AGENT

Description of person accepting service:

SEX: F AGE: 21-35 HEIGHT: 5'4"-5'8" WEIGHT: 100-130 LBS. SKIN: WHITE HAIR: BLONDE OTHER: GLASSES☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

STATEMENT OF SERVER

TRAVEL \$ _____


SERVICES \$ _____

TOTAL \$ _____

DECLARATION OF SERVER

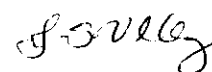
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 03 / 04 / 20 08


SIGNATURE OF MALGORZATA SLADEK
GUARANTEED SUBPOENA SERVICE, INC.
2009 MORRIS AVENUE
UNION, NJ 07083

L.S.

03-04-08



ATTORNEY: JOHN EDWARD TIFFANY, ESQ
PLAINTIFF: COUNTER GROUP, ET AL
DEFENDANT: MAXIM MAGAZINE, ET AL
VENUE: NYDISTRICT
DOCKET: 07 CV 9827

JANIHA SANTIAGO VELEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 24, 2012

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

TZ

Exhibit I

FROM : BM PROCESS SERVERS

FAX NO. : 9148030386

Mar. 10 2008 06:36AM P1

SDO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counter Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE, aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

STEPHEN COLVIN
c/o DENNIS PUBLISHING, INC.
1040 Avenue of Americas
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

DATE

NOV 05 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>3/4/08</u>	
NAME OF SERVER (PRINT) <u>Bradley Kasten</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <u>Philippa Colvin, wife</u>		
<input type="checkbox"/> Returned unexecuted:		
Summons and Complaint were served with Requests for Admissions, Production, and Interrogatories attached thereto.		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>3/5/08</u> Date	<u>Bradley Kasten</u> Signature of Server	
	<u>43 Bronx River Rd</u> Address of Server <u>Yonkers NY 10704</u>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



Stephen Colvin
(Wife: Phyllis COLVIN)
27 Locust Lane, Bronxville,
New York 10708

Is supposed to be home after 6pm Monday 3/3/08

Relatives believed to live at the house:

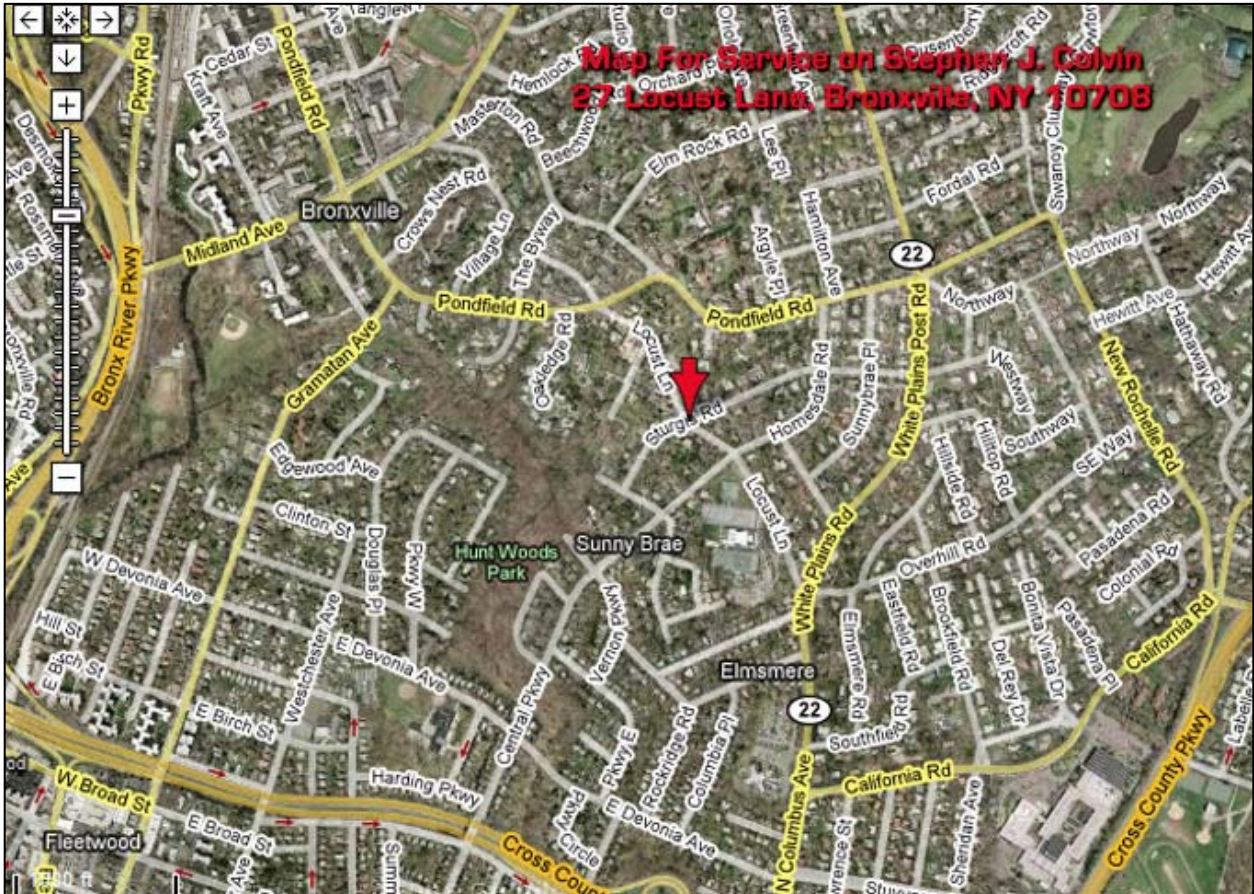
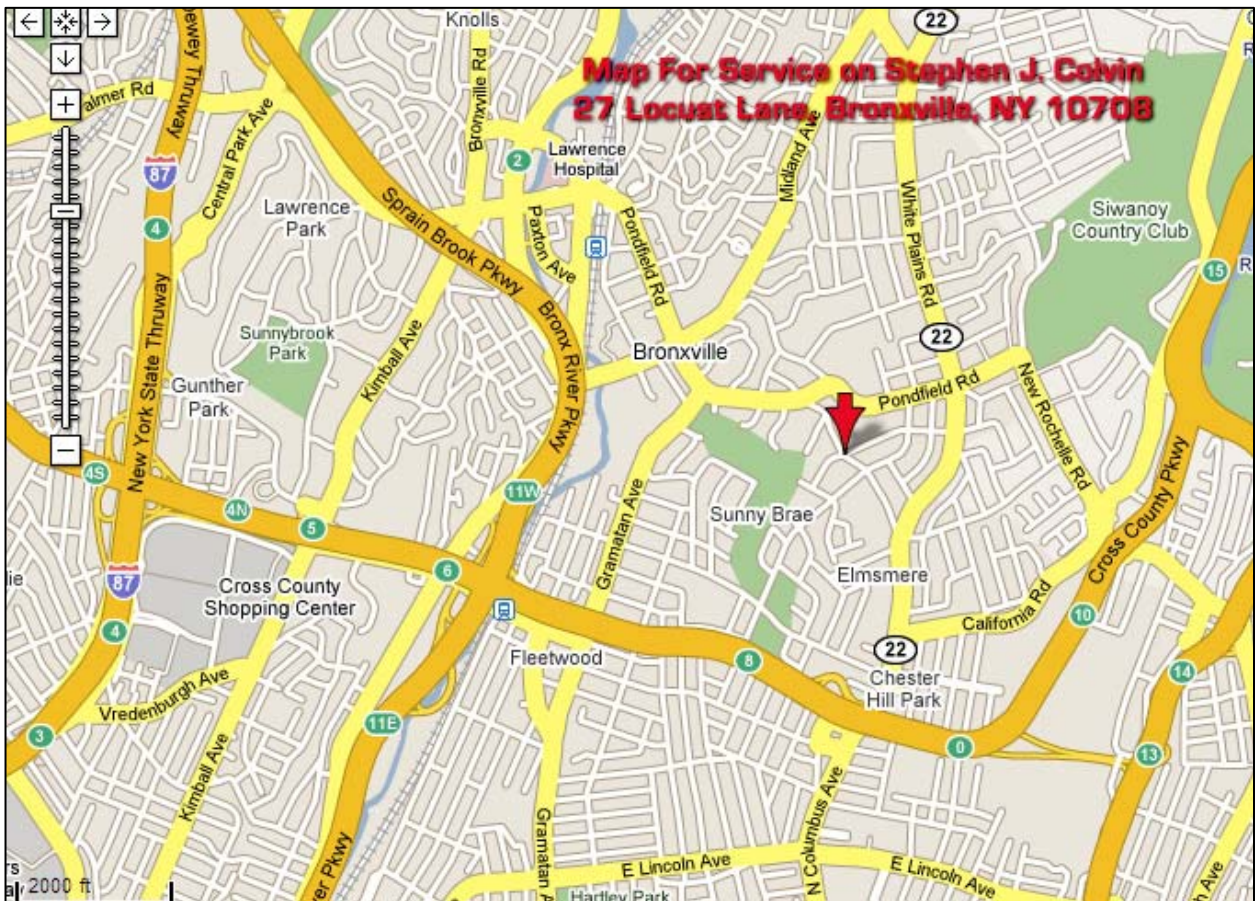
Wife: PHYLL COLVIN
Children: JOSEPH S COLVIN
 PHILIPPA M COLVIN
 ANO COLVIN



Stephen Colvin, executive vice president, is responsible for overseeing CNET Networks' Entertainment and Lifestyle brands, which includes leading properties such as GameSpot, TV.com, MP3.com, FilmSpot, CHOW, and UrbanBaby. Previously CEO of Dennis Publishing, the publisher of *Maxim*, *Blender* and *Stuff* magazine.



Service Information and Photographs and Maps for Stephen Colvin



Service Information and Photographs and Maps for Stephen Colvin



Exhibit J

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Counterr Group,
Counter Terrorist Group US, and J. K. Idema,

SUMMONS IN A CIVIL ACTION

V.

MAXIM MAGAZINE; aka MAXIM,
STUFF MAGAZINE, aka STUFF, et al

CASE NUMBER: 07-CIV-

07 CIV 9827

TO: (Name and address of Defendant)

SEAMUS MCGRAW
c/o STUFF MAGAZINE
1040 Avenue of Americas
New York, NY 10018

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John Edwards Tiffany,
Law Offices of John E. Tiffany P.C.
The Robert Treat Center
50 Park Place, 10th Floor,
Newark, New Jersey 07102
Tel: (973) 242-3700
Fax: (973) 242-3799

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

NOV 05 2007

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>3-4-2008</u>	
NAME OF SERVER (PRINT) <u>RICHARD L PERVAZNIK</u>	TITLE <u>PA STATE CONSTABLE</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <u>mailed from MARSHALLS Creek PO 18335</u> <input type="checkbox"/> Returned unexecuted: <u>Reported with us postal service</u> Summons and Complaint were served with Requests for Admissions, Production, and Interrogatories attached thereto. <input checked="" type="checkbox"/> Other (specify): <u>PRIORITY MAIL</u> <u>18307</u> <u>MAILED FIRST CLASS TO 1455 WINDOM LAKE, E. STRENSBURG PA</u>		
STATEMENT OF SERVICE FEES		
TRAVEL <u>\$ 55.00</u>	SERVICES <u>service fee \$15.00 postage \$5.00</u>	TOTAL <u>\$75.00</u>
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on <u>3-4-2008</u> <u>Richard L Pervaznik</u> <div style="display: flex; justify-content: space-between;"> Date Signature of Server </div> <u>PO Box 212</u> <div style="display: flex; justify-content: space-between;"> Address of Server </div> <u>MARSHALLS Creek, PA</u> <u>18335</u>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

MAXIM/STUFF Player List- Seamus McGraw

Seamus McGraw: (570) 588-6000 Mountain Pass Rd, East Stroudsburg, PA 18301
Seamus McGraw Email: seamusm@ptd.net

Served By:

Rick Porvaznik PA State Constable

PO Box 212, Marshalls Creek, PA (570) 872-3781 rickpor@peoplepc.com
PDF Email documents. \$50 to serve. Add \$25 for prompt fast service and printing of documents. Next day Priority Check for \$75. Put on list of primary people we use for PA and NJ. **CALL 24/7 570-872-3781 – This guy answers even on Sunday.**

Service Information:

Directions to House As Written by McGraw:

From New Jersey or New York or other points east: Take I-80 West to the first exit in Pennsylvania, Exit 310, after the toll. Once you are on the exit ramp take the first right to Route 611 south/Visitor's Center. The ramp curves around; at the traffic light, go STRAIGHT across the divided highway (you'll see the white visitors center on the right after you cross). You will now be on River Road.

From Lehigh Valley, Philadelphia: Get to Route 22 east to Route 33 north. Take Route 33 north 17 miles, staying straight on Route 209 north when Route 33 splits off to go toward Interstate 80 WEST. You want Interstate 80 EAST, so stay on Route 209 north. Take I-80 East to Exit 310, the last exit before the Delaware River. At the exit ramp, stay in the left-hand lane and make the left at the first traffic light. The visitors center will be to your left (it'll be on your right side after you make the turn).

From all points, once on River Road:

Take River Road a couple of miles, past the Shawnee Inn resort. Once you see Sam Snead's restaurant on the right, followed by the beige-clapboard Shawnee General Store, get ready to turn LEFT onto Hollow Road. Follow the twists and turns of Hollow Road another couple of miles. You'll see Shawnee Play Place water park on your right -- turn left there onto Frutchey Road.

At the end of this road, turn right. You're now on Route 209 north. Quite quickly, you'll see Country Club of the Poconos on the left. Right after that, on the left, is Sellersville Drive. There's a McDonald's on the corner.

Make a left onto Sellersville Drive. You're going about two miles. You'll go through two quick stop signs. AFTER the second stop sign, make the first right onto Upper Lakeview Drive (don't be taken in by Lower Lakeview Drive, an earlier street).

Take Upper Lakeview about a half-mile and make the first left onto Turkey Ridge Road. Go about another half-mile, past Stony Ledge Road, and make the next right into the Winona Lakes development. The turn comes up very suddenly at the top of a hill and on a curve, so drive slowly.

The main entrance has big wooden signs saying "Winona Lakes - Kakhout Mountain" and the street is Clubhouse Drive.

Take this road straight, through two stop signs, down a very steep hill, across a one-lane bridge, up a very steep hill with a hairpin turn.

After all this, drive another a mile and the first left turn is Hilltop Circle, a gravel road. Make the left, then make your second left onto Mountain Pass.

Our house is about halfway down the hill, on the right-hand side. It's the only paved driveway on Mountain Pass. There's a small wooden sign that says LOT 11 on the telephone pole just before the driveway.

The driveway is about 300 feet long and our house is at the end of it, a two-story red cedar house. We have three dogs, but they're all harmless. Even the Rottweiler.

PHONE NUMBER: 570-588-6000. Cells usually don't work in this area.

McGraw is a writer who works from home. In this case, he is probably the only good guy. According to him, he is only in the case because of what his bosses did.

Satellite map of house location:



About Seamus McGraw



Seamus McGraw has been writing about crime and criminals for nearly 20 years.

He was formerly senior writer for the popular true crime site, APBnews, and before that, he was a columnist and crime writer for the *Bergen Record*. McGraw has won numerous journalism awards including the Associated Press Managing Editors Freedom of Information Award for a series of stories on police secrecy. Most recently, he was honored by the Casey Foundation for his reporting on issues involving Megan's Law.

McGraw has written for *SPIN* magazine, *Stuff*, *Reader's Digest*, *LexisOne*, and *The Forward*.

McGraw lives in the bear infested woods of Northeastern PA with his wife, Karen, four children, Miriam, Yona, Seneca and Liam, and their dogs, Girl, Dharma and Dogma.

Exhibit K

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
COUNTER TERRORIST GROUP US, ET AL.

Plaintiffs,

-against-

MAXIM MAGAZINE, a/k/a MAXIM, ET AL.


Defendants.

-----X
DEBORAH A. BATTS, United States District Judge.

The Complaint in this action was file on November 5, 2007 but Plaintiffs have yet to complete service of process upon any of the Defendants named in this action. Plaintiffs filed an ex parte motion seeking to extend the time to serve the summons and complaint in this case for an additional ninety (90) days (Docket Entry No. 4). Plaintiffs' motion is DENIED. The Court hereby ORDERS that the Complaint in this matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted"). The Clerk of Court is directed to close the docket for this case.

SO ORDERED.

Dated: New York, New York
March 7, 2008


DEBORAH A. BATTS
United States District Judge

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/7/2008

07 Civ. 9827 (DAB)
ORDER